

FEB 11 2005

Commissioner for Patents, Paris, 11th February 2005.
 P.O. Box 1450, Alexandria, Dr.Y.Zagyansky, Entralde, 22 rue Ste Marthe, 75010 Paris
 Virginia, 22313-1450 USA Fax (1-703-872-9306) of 2 pages (both are signed). *Fax of 1 page Yuly*
 [for attention to Mr.Derek Putonen (Office PCT Legal Administration) and Mr.James Groody (Office of
 Commissioner for Patents)]. Appl.US 10/508,967 (PCT/IB03/03315)

To avoid any complication, CATEGORICALLY, I do not ask ANY refund before my confirmation of receiving of "NoticeS of Acceptance" (Form PCT/DO/EO/903) FOR BOTH (PCT-US) APPLICATIONS.

Dear Sir, thanks for letter of 27 JAN 05 which looks as answer for my both recent National phase Applications (after PCT). So according to your wishes, I make two separate letters for each Application (which WILL have each "Notice of Acceptance" in separate letter). Please, to read carefully and separately these my CAREFUL letters TO AVOID REALLY the MIXINGS.

§1. On 25th SEPT 04, I sent Fax with Documentation to enter Into National Phase. The basic fee (\$460) for this Application was paid with help of Fax (sent 29 NOV 04) with Form PTO-2038 (that USPTO "processed" also 29 NOV 04, and it was debited from my documented Bank account also 29 NOV. 04).

§2. But also 29 NOV 04, I also sent registered parallel original letter (Paris-Louvre N°RK020681078FR, 59g) (with the same original Form PTO-2038), but also with English translation of priority: PCT/FR02/02583 [which is generally in the text of present English Application PCT/IB03/03315]. Did you receive it? (I did not receive acknowledgment: see here copy of original receipt). (complaint on 01/24/05).

!!!§3. CANCELING of §5 of COVERING LETTER OF 25th SEPT. 04. Earlier, because USPTO took earlier (documentally), at least two times for basic fee, the same sum of \$460 (\$460 + \$460) for another Application from my Bank Account with help of my Card VISA, I asked to pay for basic fee of this Application ONLY (only!, ONLY) from overpayment from ANOTHER Application. But e-mail of 15 NOV.04 of Mr.James Groody (Office of Commissioner for Patents) did not mention such payment for THIS (PCT/IB03/03315) Application. So in such ambiguous situation without direct answer ("Is it possible to pay for fee of present Application from overpayment from precedent one???", I decided TO BACK the payment ALSO directly with help of §1 here, that USPTO INDEED executed de facto on 29 NOV.04 (according to §1 of THIS letter). Thank you for CHOICE, MADE by USPTO in debiting my account on 29 NOV 04 with help of NEW signed Form PTO-2038 at 29 NOV. 04. So §5 of Covering letter of 25th SEPT is CANCELED ANYWAY!

P.S. To avoid any complication, CATEGORICALLY, I do not ask ANY refund before my confirmation of receiving of "NoticeS of Acceptance" (Form PCT/DO/EO/903) FOR BOTH (PCT-US) APPLICATIONS.
 Sincerely yours Dr.Y.Zagyansky Supplements: 1.Copy of Bank Account of NOV. 04 for debit MADE by USPTO FOR THIS Application. 2. Copy of Post receipt of letter of 29 NOV. 04. 3. E-mail of Mr.Groody of 15 NOV.04.

SUPP.1

RELEVE DE COMPTE du 06 11 2004 au 08 12 2004

03/12 FAC.ETR. 4973019763703308
 29/11/04 US PATENT/TRADEMARK O
 460,00 USD U.S.A.
 COMM. ETRANGER 8,63E/ 56,61F

Delivered-To: zagyansk@cyberport.tm.fr
 Subject: Response to Yuly Zagyansky
 Date: Mon, 15 Nov 2004 11:15:45 -0500

X-MS-Has-Attach:

X-MS-TNEF-Correlator:

Thread-Topic: HOW TO DEFEND SUPERPATENTS FROM logically O!
 To stop too arbitrary: Mr.Jon.DUDAS (personally), Director of USPTO
 Thread-Index: AcTDZousJN8ZWIZ-TsSal/4et9p9ggDRJL/wASD9MRA-
 From: "Groody, James" <James.Groody@uspto.gov>
 To: <zagyansk@cyberport.tm.fr>
 X-OriginalArrivalTime: 15 Nov 2004 16:15:45 (UTC) FILETIME=[5C687420:01C4CB2E]

The USPTO regrets any inconvenience occasioned by delays in processing your applications. While the precise nature of your inquiry is not clear, the following information concerning the applications mentioned in your message is provided:

U.S. application serial no. 10/505,038 is the national stage entry of PCT/EP02/02302.
 U.S. Application serial no. 10/508,967 is the national stage entry of PCT/IB03/03315.

James Groody

Executive Assistant